

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
 :
 : **ORDER**
v. :
 :
 : 19 CR 232 (VB)
DESHAWN SMALLS, : 16 CR 510-3 (VB)
 :
Defendant. :
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Sentencing in this case is currently scheduled for December 2, 2020, at 11:00 a.m., in person at the Courthouse.

In light of the worsening public health crisis, it has now become clear that judges should avoid holding in-person proceedings for the foreseeable future unless absolutely necessary. Accordingly, the Court is inclined either to adjourn the sentencing until after the New Year, or to conduct the sentencing by videoconference or telephone conference. However, before rescheduling the sentencing or ordering that it be conducted remotely, the Court wishes to solicit the views of the parties as to how best to proceed.

By no later than November 30, 2020 (and earlier if possible), counsel shall confer and advise the Court by joint letter whether they believe it is appropriate to adjourn the in-person sentencing until January 2021 (or later); if so, they shall propose several dates and times when all counsel are available. Counsel should keep in mind that the public health crisis may not improve, or may even worsen, in the coming months.

Counsel shall also advise whether they believe it would be appropriate to conduct the sentencing by videoconference or teleconference, which would of course require a finding pursuant to Section 15002(b)(2)(A) of the CARES Act as well as defendant's consent after consultation with counsel. If counsel believe a remote sentencing is appropriate, they shall propose a CARES Act finding and state whether defendant consents. In the event counsel believe a remote sentencing is appropriate, there is no guarantee that the current complex scheduling protocols will permit the Court to hold the sentencing on December 2. Thus, if the parties wish to proceed remotely, they shall propose several dates and times when all counsel are available.

Dated: November 24, 2020
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge